

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's action dated December 13, 2007. No claims have been amended or canceled by this paper. Accordingly, Claims 1-15, 17, 18 and 20-23 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claims 15, 17, 18 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner finds that there is no support for a computer readable medium in the specification. However, Applicant notes that the specification discusses a communication arrangement 100 with communication endpoints 104, 108 that can comprise terminals that can be integrated into computing devices or implemented as stand alone hardware. (Specification, p. 4, l. 15 to p. 5, l. 6.) In addition, a communication endpoint 104, 108 is described as interacting with a gatekeeper in connection with the performance of a method. (Specification, p. 7, l. 9 to p. 12, l. 18.) As it is inherent for computers to include or be associated with a computer readable storage medium, and because one of ordinary skill in the art would reasonably understand this, the rejections under 35 U.S.C. § 112, first paragraph, should be reconsidered and withdrawn. Moreover, Applicant notes that the language in Claim 15 noted in connection with this rejection was specifically suggested by the Examiner in the first Office Action. Accordingly, the argument that one of ordinary skill in the art would not understand that the Applicant had possession of the invention as claimed should be reconsidered and withdrawn for at least this additional reason.

Claims 15, 17, 18 and 20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner analogizes the computer readable medium to carrier waves. Although a novel application of recent case law, this rejection makes absolutely no sense. In particular, the claimed subject matter in these claims is directed to a thing that contains instructions that perform a process resulting in a tangible result. Therefore, the recent court decision finding signal claims to be unpatentable on the grounds that such claims do not recite anything tangible is inapplicable to pending Claim 15. Accordingly, the rejections of Claims 15, 17, 18 and 20 should be reconsidered and withdrawn.

Claims 1-6, 8, 9, 10, and 12-23 stand rejected under 35 U.S. C. § 102 as being anticipated by U.S. Patent Number 6,771,623 to Ton (“Ton”). In addition, Claim 7 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ton in view of U.S. Patent Number 6,930,999 to Craig, et al (“Craig”), and Claim 11 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ton in view of U.S. Patent Number 6,904,277 to Tsutsumi, et al (“Tsutsumi”). In order for a rejection under 35 U.S.C. § 102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference (MPEP Section 2131.) In order to establish a *prima facia* case of obviousness under § 103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all the claim limitations. (MPEP Section 2143.) However, all the claimed elements cannot be found in the cited references, whether those references are considered alone or in combination. Accordingly, reconsideration and withdrawal of the rejections of the claims, as anticipated by or obvious in view of the cited references are respectfully requested.

The present invention is generally directed to efficiently recovering realtime data communication signaling channels established over an Internet protocol network. More particularly, embodiments of the claimed invention are directed to re-establishing a call signaling channel that supports a bearer channel comprising realtime communications. The call signaling channel is effectively re-established by establishing a second, alternate call signaling channel in response to losing a first call signaling channel. In addition, the pending claims recite that the second or alternate call signaling channel is established by sending a keep alive message and/or a lightweight registration request message to a second, alternate gatekeeper. At least some of these noted aspects of the invention as claimed are not taught, suggested or described by the cited references, whether those references are considered alone or in combination.

The Ton reference is generally directed to a method for ensuring reliable mobile IP service. More particularly, Ton allows registration with alternate agents when a primary agent is unavailable. However, Ton does not teach, suggest or describe sending a keep alive message in order to effectively reestablish a lost call signaling channel or sending a keep alive message that comprises a lightweight registration request. Instead, the cited portion of Ton references sending a normal registration request (not a lightweight registration request) to a foreign agent.

The Final Office Action argues that Ton discloses using a keep alive message in order to effect the reestablishment of the call signaling channel that is lost. However, the Office Action does not reference any disclosure in Ton to support this assertion. Instead, the Office Action simply states that the Examiner interprets the regular registration request of Ton with the keep alive message or lightweight registration request of the claimed invention. Therefore, the

rejections in the Office Action are inadequate on their face, and should be reconsidered and withdrawn for at least this additional reason.

The Final Office Action also asserts that the Ton reference applies to a situation where a first call signaling channel is lost. However, Applicants note that the portion of Ton cited in connection with such a disclosure describes using a full registration request (RRQ). Accordingly, Ton does not disclose using a keep alive signal to establish a second call signaling channel. To the extent that the Examiner believes it is proper to equate any signal with a generic recitation of a keep alive signal, it is noted that Claim 2, which depends from Claim 1 specifies that the keep alive message is a lightweight registration request, and thus not a full registration request as recited by Ton. Similarly, independent Claims 8, 15 and 21 specify that a lightweight RRQ message is used. Therefore, these claims should be allowed.

The Office Action admits that Ton does not disclose establishing a call signaling channel according to the H.323 protocol. For disclosure of such a protocol, the Office Action cites to Craig. Although Craig does discuss a voice over IP system that utilizes the H.323 protocol, the other aspects of the independent claims that are absent from the Ton reference are not provided by Craig. Therefore, Craig does not make up for the deficiencies of Ton with respect to the independent claims.

The Office Action also notes that Ton does not disclose a telephony device comprising an IP telephone, a soft telephone, a video telephone, or a soft video-phone. For such disclosure, the Office Action cites to Tsutsumi. Applicant agrees that Tsutsumi could be taken as evidence of the existence of IP telephones in the prior art. However, Tsutsumi does not teach, suggest, or describe the use of IP telephones in connection with a system or method as otherwise recited by

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the pending claims. Moreover, Tsutsumi does not make up for the deficiencies of Ton with respect to the independent claims.

The Application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would be of assistance to the Examiner.

Respectfully submitted,

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